

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Criminal No. 13-cr-20479

v.

Hon. Judith E. Levy

Clarence Myron Howard,

Defendant.

**ORDER GRANTING THE GOVERNMENT’S MOTION TO FILE
EXHIBITS UNDER SEAL [69]**

On February 28, 2024, the government moved to seal exhibits to its response to Defendant Clarence Myron Howard’s motion for reduction of sentence, and indicated that “the exhibits contain sensitive personal information about the Defendant, specifically his medical and disciplinary records.” (ECF No. 69, PageID.416.) The government’s motion is GRANTED.

IT IS HEREBY ORDERED that the United States may file the defendant’s medical and disciplinary records obtained from BOP under seal. However, the United States must also file a notice explaining why the disciplinary records should be sealed. *See Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299 (6th Cir. 2016); *United States v. Campbell*, No. 1:19-cr-25, 2021 WL 1975319, at *3 (S.D. Ohio May 18, 2021) (“Although *Shane Group* was a civil case, its reasoning

applies in the criminal context.” (citing *United States v. Sittenfeld*, No. 1:20-cr-142, 2021 WL 1438300, at *6 (S.D. Ohio Apr. 15, 2021); *Lewis v. Smith*, No. 2:20-cv-3461, 2020 WL 6044082, at *1 (S.D. Ohio Oct. 13, 2020); *Rudd Equip. Co. v. John Deere Constr. & Forestry Co.*, 834 F.3d 589, 593 (6th Cir. 2016)); *United States v. Jefferson*, No. 23-3509, 2023 U.S. App. LEXIS 32703 (6th Cir. Dec. 11, 2023); *United States v. Ramadan*, No. 22-1243, 2023 U.S. App. LEXIS 11513 (6th Cir. May 10, 2023). In addition, the medical and disciplinary records must each be filed in a separate docket entry.

SO ORDERED.

Date: February 29, 2024
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 29, 2024.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager